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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,079	12/01/2003	Jurgen Heesemann	016794-0447	1670

22428 7590 04/26/2007  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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SHAKERI, HADI

ART UNIT	PAPER NUMBER
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3723

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/26/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/724,079

Applicant(s)

HEESEMAN, JURGEN

Examiner

Hadi Shakeri

Art Unit

3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-9,14 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2 and 5-8 is/are allowed.
- 6) ☒ Claim(s) 9,14 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____  | 6) <input type="checkbox"/> Other: ____                           |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/22/07 has been entered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

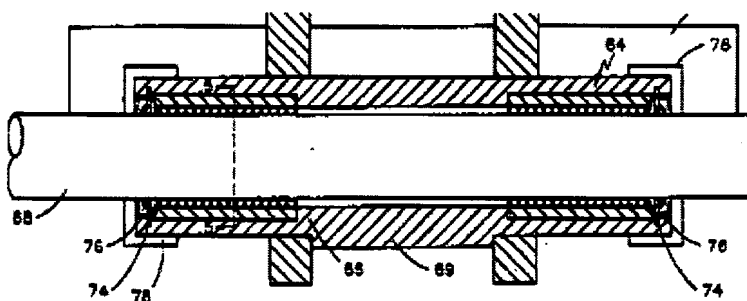
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Chasteen et al. (5,138,862).

Chasteen et al. discloses all of the limitations of claim 9, i.e., a float-bearing arrangement comprising a first rolling-contact bearing; a second rolling-contact bearing,

wherein the first and second rolling-contact bearings have a common connecting bearing shell which supports the rolling-contact bodies of the first and second rolling-contact bearings; and a drive device for moving the common connecting bearing shell relative to the rolling-contact bodies, wherein the first and second rolling-contact bearings comprise linear shaft bearings that



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are coupled with one another by means of a connecting spindle that serves as the connecting bearing shell, extends in the bearing axial direction and is movable in a reciprocating manner.

Note a bearing arrangement as recited lacking structure to define a "spindle" is considered met by the arrangement as disclosed by Chasteen et al.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chasteen et al.

Chasteen meets all of the limitations of the above claims, except for a third rolling contact bearing, considered as modification obvious to one of ordinary skill in the art, in adapting the apparatus for a particle operation and since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

***Allowable Subject Matter***

6. Claims 1, 2, and 5-8 are allowed.

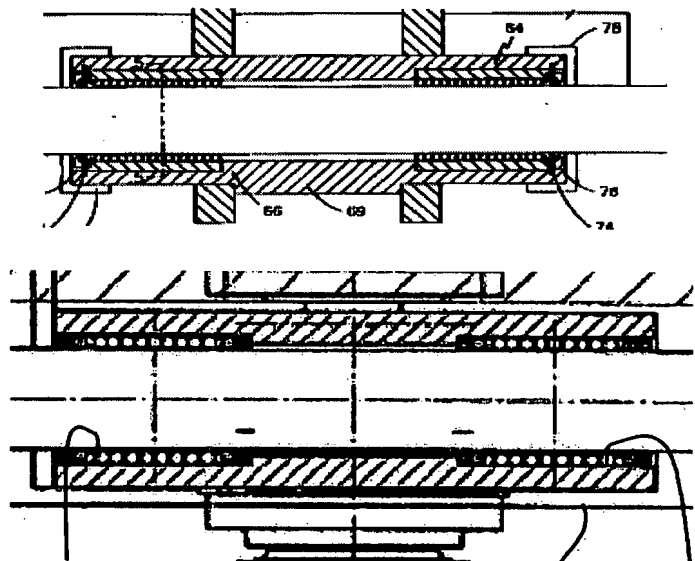
7. The following is a statement of reasons for the indication of allowable subject matter: the elements/structures and structural relationships as recited in claim 3, and 4 (claim 2 plus the spring), place these claims in condition for allowance, and since while a float bearing as recited is considered obvious, such bearing incorporated within a processing machine, as recited is considered novel and such modifications would be hindsight.

**Response to Arguments**

8. Applicant's arguments filed 01/22/07 have been fully considered but they are not persuasive. Applicant argues that

"Chasteen, however, fails to disclose first and second rolling contact bearings, where the "first rolling-contact bearing [has] a connection bearing shell fixedly mounted to a frame to provide a fixed bearing", and the "second rolling-contact bearing [has] a movable bearing shell to form a floating bearing, wherein the first and second rolling-contact bearings have a common connecting bearing shell which supports the rolling-contact bodies of the first and second rolling-contact bearing." Rather, in the Chasteen arrangement, the bearings are both arranged on a common frame. The bearings in Chasteen are not arranged to provide both a fixed bearing and a floating bearing, where the fixed bearing and floating bearing are coupled via the reciprocating ram so that the reciprocating ram forms a common bearing shell. Thus, Chasteen fails to anticipate independent claim 9".

This is not found persuasive, specification, e.g., in paragraph 39 describes a float bearing arrangement (13) which is defined by the support (14) forming the first rolling-contact bearing with the connecting spindle (15) (met by support 69 and ram 68 in Chasteen). The arrangement disclosed by Chasteen in Fig. 4, is the same as the invention as recited in claim



9 and as shown in Fig. 2. Chasteen discloses the element as defined by the instant application. It does not disclose second and third rolling contact bearing 16a and 16b designed as linear rolling-contact bearings, the outer ring (race) of which is connected to the machine frame 2.

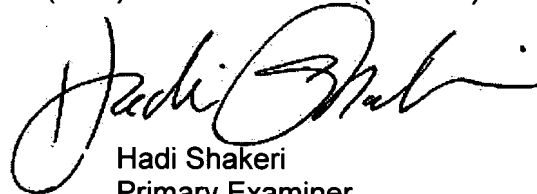
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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is (571) 272-4495. The examiner can normally be reached on Monday-Friday.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Hadi Shakeri', with a stylized flourish at the end.

Hadi Shakeri  
Primary Examiner  
Art Unit 3723

April 19, 2007